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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00775 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS CONFERENCE
v.)	AND EXCLUDING TIME
)	
JUAN OCTAVIANO LOPEZ,)	
aka Juan Octavio Lopez Ortiz,)	
aka Juan Lopez Gomez,)	
aka Manuel Vargas, and)	
GLENDY GOMEZ,)	
aka Glendy Elizabeth Gomez,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10 a.m. on Tuesday, July 26, 2011.
2. The parties request that this hearing be continued until 10 a.m. on Tuesday, September 13, 2011, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 file motions and to prepare for trial in this matter.

2 3. Specifically, the parties submitted the methamphetamine in this case for
 3 independent examination and analysis by an non-government laboratory. The results of this
 4 independent analysis was significantly different than the results of the analysis by the
 5 government's chemist. Therefore, the parties require additional time to investigate and evaluate
 6 the possible reasons for the disparity between the results which likely will require each chemist
 7 to further analyze and review the analysis conducted by the other chemist. In addition, counsel
 8 for defendant Gomez has been in trial and is presently unavailable to attend the presently
 9 scheduled status conference. The parties believe that failure to grant the above-requested
 10 continuance would deny defendants' counsel and defendant the reasonable time necessary for
 11 effective preparation taking into account the exercise of due diligence and that the ends of justice
 12 served by continuing the case as requested outweigh the interest of the public and defendant in a
 13 trial within the date prescribed by the Speedy Trial Act.

14 4. Thus, the parties respectfully request that the Court find that the time period from
 15 July 26, 2011, to September 13, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
 16 (B)(iv) because it results from a continuance granted by the Court at the defendants' request and
 17 on the basis of the Court's finding that the ends of justice served by taking such action outweigh
 18 the best interest of the public and the defendants in a speedy trial and because failure to grant the
 19 continuance would unreasonably deny defense counsel the time necessary for effective
 20 preparation for trial, taking into account due diligence, as well as continuity of counsel.

21 IT IS SO STIPULATED.

22 MELINDA HAAG
 23 United States Attorney

24 Dated: July 22, 2011

25 /s/
 26 GARTH HIRE
 27 Assistant United States Attorney
 28 Attorney for United States of America

Dated: July 22, 2011

/s/

LYNN KESLAR

Attorney for Defendant
Juan Octaviano Lopez

Dated: July 22, 2011

/s/
RANDALL KNOX

Attorney for Defendant
Glendy Gomez

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled July 26, 2011, status conference hearing is vacated. A status conference hearing is now scheduled for 10:00 a.m. on September 13, 2011.

2. The time period from July 26, 2011, to September 13, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence, as well as continuity of counsel.

DATED: 7/25/11


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE